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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,411	08/25/2003	Michel K. Bowman-Amuah	60021-376302	2655
81331	7590	01/29/2009	EXAMINER	
Accenture/Finnegan, Henderson, Farabow, Garrett & Dunner, LLP 901 New York Avenue Washington, DC 20001-4413			ALVAREZ, RAQUEL	
			ART UNIT	PAPER NUMBER
			3688	
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			01/29/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/647,411	BOWMAN-AMUAH, MICHEL K.	
	Examiner	Art Unit	
	Raquel Alvarez	3688	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 20 October 2008.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-3,6,8-17,20 and 23-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-3,6,8-17,20 and 23-33 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/27/06</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

1. This office action is in response to communication filed on 10/20/2008.
2. Claims 1-3, 6, 8-17, 20 and 23-33 are presented for examination.
3. The amendment to the specification filed on 10/20/2008 have been accepted.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
5. Claim 1-3, 6, 8-17, 20 and 23-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fano (6,317,718 hereinafter Fano) in view of Knuttson et al. (6,920,319 hereinafter Knuttson).

With respect to claims 1-3, 6, 8, 10-17, 20, 24-33 Fano teaches a method for delivering context-sensitive advertising to a user via a delivery framework (Abstract). Associating a plurality of mobile devices with the user (see 1740); Associating a location-unique user profile with the user (i.e. creating different persona for the user such as WORK, HOME personas 1330), the location-unique user profile being accessible via the plurality of mobile wireless devices (i.e. the WORK, HOME profile being accessible via the plurality of mobile devices 1700); receiving a signal within the delivery framework from a mobile wireless device included in the plurality of mobile wireless devices ; identifying from the signal an identifier associated with the mobile wireless device and ascertaining from the signal a state of the mobile wireless device,

the state indicating availability of the mobile wireless device to receive context sensitive advertising (Based on the identity of any of the plurality of devices 1740 and the user profiles for those devices, merchants 1750 are able to transmit customized and personalized services to the users); determining from the signal a location of the mobile device within the delivery framework and updating the identifier, state, and location in a profile database utilizing a context engine within the delivery framework (i.e. using a GPS to determine the location of the device); continuously updating the location unique user profile, wherein the location unique user profile is based on access to advertisements, the mobile wireless device location at time of access to advertisements and the mobile device's access of network sites indicative of user preferences (Figures 12 and 13); accessing the location-unique user profile with the mobile wireless device (col. 33, lines 28-50); selecting advertisements from the advertisements database based on the identifier, state, location, and landmark of the mobile device utilizing the context engine; and transmitting the advertisements to the mobile wireless device (col. 48 lines 46 to col. 49, lines 1-9).

With respect to transmitting the advertisements to the wireless device, wherein the transmission is independent of communication initiated from the mobile wireless device. Owensby teaches transmitting a call signal. Fano doesn't specifically teach the transmission being independent of communication initiated from the mobile wireless device. Knutson teaches on col. 3, lines 37-42 "the server can push such location dependent information to the wireless devices as they migrate through the network formed by the wireless access points". It would have been obvious to a person of

ordinary skill in the art at the time of Applicant's invention to have included in the invention of Fano the teachings of Knutsson of advertisements to be **pushed** to the mobile device independent of communication initiated from the mobile device because such a modification would allow advertisements to be sent to the user without the user having to initiate an action and therefore will provide a convenient and easy way to receive ads.

With respect to claims 9 and 23, Fano further teaches that the state includes at least one of ON state (i.e. the state of the mobile device is verified by the user request for information 1001 , therefore the state of the mobile device has to be On in order to signal direct communication with the device (Figure 10B).

Response to Arguments

6. Applicant's arguments with respect to claims -3, 6, 8-17, 20 and 23-33 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Point of contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raquel Alvarez whose telephone number is (571)272-6715. The examiner can normally be reached on 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James w. Myhre can be reached on (571)272-6722. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Raquel Alvarez/
Primary Examiner, Art Unit 3688

Raquel Alvarez
Primary Examiner
Art Unit 3688

R.A.
1/28/2009